

Application Serial No. 10/516,471
Reply to Office Action of December 13, 2007

PATENT
Docket: CU-5962

REMARKS

In the Office Action, dated December 13, 2007, the Examiner states that Claims 70-73, 80-82 and 85-87 are pending, and Claims 70-73, 80-82 and 85-87 are rejected. By the present Amendment, Applicant amends the claims.

In the Office Action, the drawings are objected to for not showing the limitation in Claims 70, 82 and 87 of "each tying device is provided in a differentiated form from each other tying device". This limitation has been deleted from Claim 70, and Claims 82 and 87 are cancelled.

In the Office Action, Claims 80 and 85 are rejected under 35 U.S.C. §112, second paragraph as being indefinite as to which elongate member is referred to in Claim 80, and lack of antecedent basis for "the elongate portion" in Claims 80 and 85. Amendments have been made to overcome these rejections.

In the Office Action, Claims 70-72 and 80-82 are rejected under 35 U.S.C. §102(b) as being anticipated by Schumm (U.S. 3,147,522). Claims 85-87 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schumm. The Applicant respectfully disagrees with and traverses these rejections.

Claim 70 is directed to a system for differentiating two or more cables of two or more respective appliances. This is in contrast to the device disclosed in Schumm which is a tightening device adapted to be tightened around an article, see for example Schumm column 1 lines 10-14. Schumm discloses that the articles could include a plastic bag or grape vines. There is no disclosure or suggestion that the tightening device should be used to differentiate items let alone the cables of two or more respective appliances. For example, Figure 4 of Schumm shows a tightening device holding together the stems of two grape vines, the tightening including a tag with a year date. The year date does not differentiate the different vine stems. As discussed on page 2 lines 5-11 of the specification of the present application, the invention allows a user to readily identify the appliance to which the cable is connected, or to identify the cable itself. This is particularly useful in situations where a plurality of appliance cables are located in a close proximity to

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each other, for reasons for safety and to facilitate maintenance. On page 14 line 24 to page 25 line 30 embodiments of a card having a plurality of tags each having a different appliance name printed on them is discussed. The tags may be suitable for a workshop, a home or an office, for example, and in the case of workshop tags the tags may include differentiating labels such as drill, fan, lathe, cutter and welder, etc. In the case of home tags the labels on the tags include alarm clock, television, kettle, toaster, etc. Schumm does not disclose a system of tying devices like this where each tying device is provided in a differentiated form to distinguish the items that each of the tags are attached to. The device of Schumm is a tightening device and is made of an elastically stretchable material which closes tightly around an item such as the opening of a plastic bag. Thus, Schumm teaches away from the idea of a system differentiating two or more cables of two or more respective appliances but rather a tightening device for holding things together or closing a plastic bag.

Furthermore, it is submitted that contrary to the assertions of the rejection, figures 1 and 5 of Schumm do not disclose the feature of a hole located in the member, through which a planer enlarged portion arranged on the member is inserted through. Figures 1 and 5 disclose a slot, rather than a hole, as discussed by Schumm at column 3 lines 22-39 and in particular at line 21 where it is said the enlarged end portion 2 is formed with an elongated slot 3 of substantially T-shaped cross-section. This should be compared to the definition of a hole provided in the specification of the present application at page 3 lines 10-14 where a hole is defined so that the periphery of the hole is entirely surrounded by the material of the member. Clearly the slot does not fall within the definition of hole provided by the specification.

In regards to the rejection that Claim 71 is anticipated in light of Schumm, the Applicant respectfully disagrees. There is no suggestion or disclosure in Schumm for an indicia pre-applied to the external surface of a raised portion. Rather, the indicia of Figure 1 in Schumm are plurality of raised portions and they are not applied to a raised portion. Raised portion may be constructed with reference to Figure 1 of the present application where the raised portion is quite distinct from the indicia. Pre-applied suggests that some ink or label or the like should be applied to a raised

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portion which is clearly not the case of Figure 1 in Schumm.

In regards to the rejection that Claim 72 is anticipated in light of Schumm, the Applicant respectfully disagrees because it is dependant on Claim 70 which is not anticipated by Schumm as discussed above.

In respect to the rejection that Claim 80 is anticipated in light of Schumm, the Applicant respectfully disagrees. Schumm does not disclose the feature of a card. The construction of the term "card" requires reference to page 6 lines 1-5 where it is stated that the term "card" refers to any panel or panel like member from which the elongated members can be detached and leave behind a card skeleton, the card being flat in shape and comprising at least a border frame selection. Clearly the attached tightening devices in Figure 16 of Schumm do not leave behind a card skeleton when detached nor do they leave a border frame section. Thus, Schumm does not disclose a feature of a card. Furthermore, as discussed above Schumm does not disclose a hole located in the member.

In regards to the rejection that Claim 81 is anticipated in light of Schumm, the Applicant respectfully disagrees because Claim 81 is dependent on Claim 80 which is not anticipated by Schumm as discussed above.

With regards to the rejection that Claim 85 is obvious in light of Schumm, the Applicant respectfully disagrees. As discussed above, Schumm does not disclose or suggest a card. Furthermore, Figure 16 of Schumm is a collection of tightening devices of the embodiment shown in Figure 7 and 12 which is discussed, do not include the feature of a hole as discussed above.

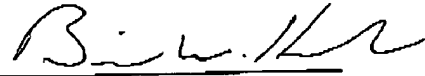
In regards to the rejection that Claim 86 is obvious in light of Schumm, the Applicant respectfully disagrees because it is dependent on Claim 85 and as discussed above Claim 85 is not obvious.

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In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



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Date

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